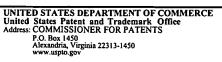


## UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICATION NO.	FILING DA	TE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,774	12/22/200	00	George Beshara Bendak	AMCC4880 C/M# 103747-1651	7878
7	7590 04/29/2004			EXAM	NER
Terrance A. N	<b>Meador</b>	VINCENT, DA	VINCENT, DAVID ROBERT		
INCAPLAW 1050 Rosecran	c Street			ART UNIT	PAPER NUMBER
Suite K				2661	7
San Diego, CA	A 92106			DATE MAILED: 04/29/2004	,

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/745,774	BENDAK ET AL.				
Office Action Summary	Examiner	Art Unit				
	David R Vincent	2661				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR RE THE MAILING DATE OF THIS COMMUNICATIO  - Extensions of time may be available under the provisions of 37 CFF after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a  - If NO period for reply is specified above, the maximum statutory per  - Failure to reply within the set or extended period for reply will, by sta Any reply received by the Office later than three months after the mearned patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, however, may a re- reply within the statutory minimum of thirty riod will apply and will expire SIX (6) MONT atute, cause the application to become ABA	ply be timely filed  (30) days will be considered timely.  HS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).				
Status	,					
1) Responsive to communication(s) filed on _						
2a) This action is <b>FINAL</b> . 2b) ⊠ T	This action is non-final.					
,	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)  Claim(s) 1-42 is/are pending in the applicate 4a) Of the above claim(s) is/are without 5)  Claim(s) is/are allowed.  6)  Claim(s) is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) 1-42 are subject to restriction and/	drawn from consideration.					
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) a						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of:  1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the p application from the International Bur * See the attached detailed Office action for a	ents have been received. ents have been received in Ap riority documents have been r eau (PCT Rule 17.2(a)).	oplication No received in this National Stage				
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  Paper No(s)/Mail Date  Paper No(s)/Mail Date  Other:						

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## Note

Since the examiner was unable to locate an attorney of record, the examiner offers the following which may assist in performing compact prosecution. The claims appear too broad to be considered novel in light of SONET frames and the systems which use SONET/Superframes. The examiner has included some basic references that should be considered before merely electing. It is suggested that any group that is elected should be amended to define what the applicant considers the point of novelty.

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-20, drawn to Group I, classified in class 370, subclass 474.
  - II. Claim 21, drawn to Group II, classified in class 370, subclass 503.
  - III. Claims 22-42, drawn to Group III, classified in class 370, subclass 471.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not

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require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Group I specifies sending and receiving frames, Group III specifies a receiver using FEC, and Group I specifies defining a frame (possibly for transmission). The subcombination has separate utility such as a framer (Group I) or a receiver (Group III).

- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I nor Group III, restriction for examination purposes as indicated is proper.
- 5. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I nor II, restriction for examination purposes as indicated is proper.

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6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 703 305 4957. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on 703 305 4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID VINCENT PRIMARY EXAMINER

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